

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

12 VERNELL McNEAL, )  
13 Petitioner, ) 2:09-cv-02410-JCM-LRL  
14 vs. ) **ORDER**  
15 D. NEVEN, *et al.*, )  
16 Respondents. )  
\_\_\_\_\_  
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18 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C.  
19 § 2254, by a Nevada state prisoner.

20 On April 7, 2010, the court entered an order requiring petitioner to file, within thirty  
21 days: (1) an amended *in forma pauperis* application, or pay the \$5.00 filing fee, and (2) an amended  
22 petition. (Docket #3). Petitioner was advised that this action would be dismissed unless he  
23 complied with the court's order. (*Id.*). The order of April 7, 2010, was apparently delivered to  
24 petitioner; it was not returned undelivered. Petitioner has not responded to the order. More than the  
25 allotted time has elapsed and petitioner has not complied with the court's order. Therefore,  
26 petitioner's action shall be dismissed without prejudice.

1           **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT**  
2 **PREJUDICE** for petitioner's failure to obey this court's order of April 7, 2010. The clerk shall  
3 **ENTER JUDGMENT** accordingly.

4           DATED this 4th day of November, 2010.  
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7 UNITED STATES DISTRICT JUDGE

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